UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	**Scheduling Order**
Manning, Bradley E.	)	
PFC, U.S. Army,	)	
HHC, U.S. Army Garrison,	)	
Joint Base Myer-Henderson Hall	)	**18 October 2012**
Fort Myer, Virginia 22211	)	

1. The Court is currently scheduling Article 39(a) sessions with the following default schedule at the request of the parties: two weeks for parties to file motions; two weeks for parties to file responses; five days for parties to file replies; and one week for the Court to review all pleadings before the start of the motions hearing. The time for filing replies was added after the first Article 39(a) session on 15-16 March 2012 because the Court received reply briefs the day before that session, the parties desire to continue to file replies, and the Court requires time to consider them.

2. Scheduling dates and suspense dates are set forth below. This schedule was coordinated with the parties. The trial schedule will be reviewed and updated as necessary at each scheduled Article 39(a) session.

a. Immediate Action (21 February 2012 - 16 March 2012)

b. Legal Motions, excluding Evidentiary Issues (29 March 2012 - 26 April 2012)

c. Legal Motions (10 May 2012 - 8 June 2012)

d. Interim Pretrial Motions (2 June 2012 - 25 June 2012)

e. Pretrial Motions (7 June 2012 - 20 July 2012)

f. Pretrial Motions (20 July 2012 - 30 August 2012)

g. Pretrial Motions (24 August 2012 - 18 October 2012)

h. Pretrial Motions (26 September 2012 - 2 November 2012)

(A) Article 39(a): 30 October 2012-2 November 2012

(1) **Defense Additional Witness List #2 for Article 13 Motion**
(A) Witness List: 26 September 2012
(B) Government Objections (if any): 16 October 2012
(C) Defense Motion to Compel (if any): 22 October 2012

(2) **Defense Motion for Speedy Trial, including Article 10 (PART I)**
(A) Filing: 19 September 2012
(B) Response: 10 October 2012

APPELLATE EXHIBIT 358
PAGE REFERENCED:
PAGE ___ OF ___ PAGES

(C) Reply: 17 October 2012

(3) **Defense Drafting of Plea Specifications and Notice of Maximum Punishments**
(A) Filing: 23 October 2012
(B) Response: 26 October 2012

(4) **Defense Interrogatories for Speedy Trial**
(A) Date: 26 October 2012
(B) Response from OCA entities on whether they will respond to questions: 2 November 2012

(5) **Defense MRE 505(h) Notification for Defense Witnesses**
(A) Date: 26 October 2012

(6) **Discussion of Storing all AEs in a Centralized Location**
(A) Date: 30 October 2012

i. **Pretrial Motions (19 October 2012 - 2 December 2012)**

(A) Filing: 19 October 2012
(B) Response: 2 November 2012
(C) Reply: 9 November 2012
(D) Article 39(a): 27 November 2012 (@1300)-2 December 2012

(1) **Defense Supplemental #2 for Article 13 Motion**

(2) **Defense Article 13 Motion (Article 39(a) only)**

(3) **Specifications for Plea and Maximum Punishments Litigation (if necessary)**
(A) Filing: 5 November 2012
(B) Response: 16 November 2012
(C) Reply: 23 November 2012

(4) **Government Response to Defense Interrogatories for Speedy Trial**
(A) Filing: 16 November 2012

(5) **Defense MRE 505(h) Notification for Government Witnesses**
(A) Date: 16 November 2012

j. **Pretrial Motions (16 November 2012 - 14 December 2012)**

(A) Filing: 16 November 2012
(B) Response: 30 November 2012
(C) Reply: 5 December 2012
(D) Article 39(a): 10-14 December 2012

(1) **Def Motion for Speedy Trial, including Article 10 (PART 2) (Article 39(a) only)**

(2) **Defense Supplemental Witness List for Sentencing**
(A) Filing: 9 November 2012

(3) **Defense Witness List Litigation**[1]
(A) Govt Objection to Def Witnesses (Initial and Supplemental): 16 November 2012
(B) Motion to Compel Production: 23 November 2012
(C) Response: 5 December 2012

(4) **Government Motion to Compel Discovery (if any)**

(5) **Defense Motion to Compel Discovery #4 (if necessary)**

(6) **Additional Requests for Judicial Notice**

(7) **Pre-Qualification of Experts**

(8) **Motions *in Limine* (Supplemental, Including any Classified Information) (if necessary)**

(9) **Providence Inquiry**[2]

(10) **Disclosure of RCM 914 Material (based on Supplemental Govt Witness List and Defense Witness List)**
(A) Date: 5 December 2012

k. <u>Pretrial Motions (7 December 2012 - 18 January 2013)</u>

(A) Filing: 21 December 2012
(B) Response: 4 January 2013
(C) Reply: 9 January 2013
(D) Article 39(a): 14-18 January 2013

(1) **Supplemental Government Witness List (if necessary)**
(A) Date: 14 December 2012

(2) **Production of Compelled Discovery from Defense**
(A) Date: 14 December 2012

(3) **Grunden Hearing for Government Classified Information**

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[1] This includes litigating the defense expert witnesses listed on the 15 October 2012 filing. The filings will be made assuming that all charges will go forward as charged.

[2] The Defense must also make final forum selection. The prosecution requested the panel be notified no less than sixty days prior to trial, in order to coordinate for extended special duty and travel.

(A) Government Notice: 4 January 2013

l. <u>Pretrial Motions (28-29 January 2013)</u>

(1) **Grunden Hearing for Defense Classified Information**

(2) **Litigation Concerning MRE 505(h) and MRE 505(i) (if not previously resolved)**
(A) Filing: 11 January 2013
(B) Response: 18 January 2013

(3) **Completion of Security Clearance Checks for Witnesses (as necessary)**

m. <u>Trial by MJ Alone (4 February 2013 - 15 March 2013)</u>

Trial: 4 February 2013-15 March 2013

So **Ordered** this 18th day of October 2012.

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit